

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TIME WARNER CABLE OF NEW YORK CITY,
a division of Time Warner
Entertainment Company, L.P.,

Plaintiff,

-against-

GEORGE AMELLER, et al.,

Defendants.
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FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.

SEP 23 1998

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P.M. _____

TIME A.M. _____

97 Civ. 2971 (FB)

NOTICE AND ORDER
OF DISMISSAL
(ALLAN RAHAMATH)

WHEREAS, the plaintiff, Time Warner Cable of New York City ("TWCNYC" or "plaintiff"), having filed the above-entitled action against defendant Allan Rahamath alleging that defendant engaged in the unauthorized interception and reception of plaintiff's cable television programming in violation of 47 U.S.C. §§ 605(a) and 553(a)(1) and New York State Public Service Law § 225.6 by utilizing an unauthorized cable television descrambling device allegedly purchased by the defendant from Cable Box Wholesalers of Tucson, Arizona on August 2, 1993; and,

WHEREAS, defendant Rahamath, having failed to defend plaintiff's claims, having been certified in default by the Clerk of the Court and this Court having entered a default judgment against defendant on September 18, 1997; and

WHEREAS, the default judgment entered by this Court against defendant Rahamath was vacated by The Hon. Frederic Block's Order dated December 5, 1997; and

WHEREAS, the defendant subsequently listed the plaintiff as a creditor in defendant's Chapter 7 Amended Bankruptcy Filing in

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the United States Bankruptcy Court, Eastern District of New York;
and

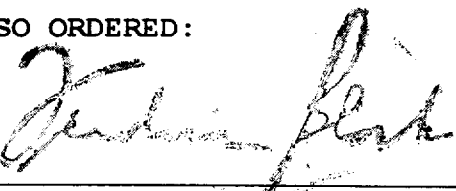
WHEREAS, plaintiff, being desirous to discontinue its claims against defendant Rahamath in favor of the pursuit of its claims against the defendant in the bankruptcy matter, and there being no reason why the plaintiff's claims against defendant Rahamath should not be dismissed; now, therefore, it is hereby:

ORDERED, ADJUDGED AND DECREED that plaintiff's claims in this action against defendant Rahamath are hereby dismissed without prejudice upon plaintiff's consent. This Order may be filed without further notice with the Clerk of the Court and shall not affect plaintiff's claims against any other defendant herein other than defendant Allan Rahamath.

DANIEL J. LEFKOWITZ, ESQ., P.C.
Attorneys for the Plaintiff

By: William B. Jung
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Jericho, New York 11753
(516) 942-4700

SO ORDERED:


U.S.D.J.

Dated: Brooklyn, New York

9/21, 1998